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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,876	01/07/2000	JARNO KNUUTILA	297-009067-U	2291

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EXAMINER

JUNG, MIN

ART UNIT PAPER NUMBER

2663

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/478,876

Applicant(s)

KNUUTILA ET AL.

Examiner

Min Jung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Minamida, US 6,256,513.

Minamida discloses a multimedia radio communication system in which a plurality of types of information media is combined. Specifically, regarding the method of claim 7, Minamida teaches multimedia connection consisting of real time service components and non-real time service components, of which the real time service components are to be utilized by local real time applications and the non-real time service components are to be utilized by local non-real time applications, comprising the

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steps of directing the information related to the real time service components through a radio transceiver, and between the radio transceiver and the local real time applications through a real time channel block (e.g. DTE 201 serving voice communication, Fig.6), and directing the information related to the non-real time service components through the same radio transceiver, and between the radio transceiver and the local non-real time application through a non-real time channel block connected in parallel with the real time channel block (e.g. DTE serving data communication, Fig. 6). See abstract, and col. 4, line 66 – col. 5, line 24.

Regarding claims 8 and 9, Minamida teaches exchanging with the other communicating party information describing the capabilities of the communicating parties for utilizing real time service components and non-real time service components in the communication connection. See col. 3, lines 41-55, and col. 5, lines 29-65.

Further, in Minamida, simultaneous/alternate utilization of real time service components and non-real time service components in the communication connection is taught by utilizing time division multiple communication paths. See col. 3, lines 30-35, and col. 5, line 61- col. 6, line 2.

3. Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Dahlin et al., US 6,122,263 (Dahlin).

Dahlin discloses Internet access for cellular network. Specifically, regarding claims 10 and 11, Dahlin teaches a telecommunication system for setting up and maintaining, between wireless terminals, multimedia connections consisting of real time service components and non-real time service components, comprising a circuit-

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switched telecommunication network for conveying, between the terminals, information relating to the real time service components (GSM traffic channel) and a separate packet-switched telecommunication network for conveying, between the terminals, information relating to the non-real time service components parallel with the information relating to the real time service components (GPRS traffic data channel).

See Abstract, Fig. 1, and col. 3, line 56 – col. 5, line 9. Further regarding claim 11, note that the same base station is shared between the GSM and the GPRS network.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamida in view of Dahlin.

Minamida teaches the invention of claim 1 except for the limitation of the mobile station being capable of both circuit-switched and packet-switched operation. Dahlin teaches a mobile station 106 having a transceiver, which is capable of, circuit switched operation (GSM) and packet switched operation (GPRS). Both Minamida and Dahlin are in the field of mobile communication accommodating different types of data having different characteristics. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to implement Minamida by utilizing both circuit

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switched function and packet switched function at the mobile station to transmit and receive different types of data via different networks.

Regarding claims 2 and 3, the combination teaching of Minamida and Dahlin fails to specifically teach the HSCSD/GPRS GSM transceiver of Class A or Class B. The difference between the Class A and the Class B seems to be that the Class B is capable of operating with priority function. Minamida talks about the setting the order of transmission, and therefore, priority. See col. 5, lines 5-16. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to implement the combination teaching of Minamida and Dahlin by incorporating the order determining function (priority), and make the transceiver with the A-type or B-type transceiver.

Allowable Subject Matter

6. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Pen et al. patent, the Mazur et al. patent, the Haferbeck et al. patent, and the Evans et al. patent are cited for further references.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 703-305-4363. The examiner can normally be reached on Monday-Friday, 7AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

MJ
January 12, 2004


Min Jung
Primary Examiner